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October 12, 2018

VIA ECF AND HAND-DELIVERY

The Honorable Shelley C. Chapman
United States Bankruptcy Court
for the Southern District of New York
One Bowling Green
New York, New York 10004

Re: *In re: Lehman Brothers Holdings, Inc.*, Case No.: 08-13555

*Lehman Brothers Holdings Inc. v. 1st Advantage Mortgage, L.L.C.,
et al.* Adv. Proc. No. 16-01019

Dear Judge Chapman:

This firm and Fox Rothschild LLP represent Lehman Brothers Holdings Inc. (the “Plan Administrator”) and respectfully submit this letter in response to certain Defendants’ letter, dated October 11, 2018 (Adv. Proc. No. 16-01019) [Dkt. No.645] (the “Letter”), which seeks a two-week extension to respond to the Plan Administrator’s (i) Omnibus Motion for Leave to File Third Amended Complaints Pursuant to Rule 7015 of the Federal Rules of Bankruptcy Procedure (Adv. Proc. No. 16-01019) [Dkt. No. 636] (the “Motion to Amend the Complaint”) and (ii) Motion For Leave to Amend and Extend the Scope of the ADR Procedures Orders for Indemnification Claims of the Debtors Against Mortgage Loan Sellers (Case No. 08-13555)[Dkt. No. 58858] (the “Motion to Amend the ADR Order,” and with the Motion to Amend the Complaint, the “Motions”), which were filed on October 1, 2018. As set for the below, the Plan Administrator opposes Defendants’ request.¹

Defendants’ Letter relies entirely on the contention that Defendants did not possess adequate information to respond to the Motions until the Plan Administrator provided a list of loan numbers and corresponding loan amounts believed to be at issue in the proposed Third Amended Complaints for each Defendant identified in Schedule A to the Motion to Amend the Complaint. That contention is inaccurate as the legal merits of the Motions have nothing to do with the specifics of individual loan numbers and loan amounts for any particular defendant, as we explained to Defendants, and as Your Honor agreed during the October 2, 2018 status

¹ The letter states it is written on behalf of American Mortgage Law Group P.C.’s “clients and all clients represented by join defense counsel.” Letter at 1. The identity of the “clients” is unclear.

conference. At the October 2 status conference, Defendants contended that they needed the information prior to the time that they were required to respond to the Motions, and the Plan Administrator provided that information before their scheduled time to respond. Now, Defendants contend that they need two additional weeks after receiving the specifics of the individual loan numbers and loan amounts to respond to the simple legal merits of the Motions they have had now for almost two weeks. Defendants' new position is inconsistent with the position they previously took at the October 2 status conference, and is inconsistent with Your Honor's directive at the October 2 status conference that these matters move forward expeditiously. The proposed Amended ADR Order and the proposed Third Amended Complaints are designed to advance the coordinated and efficient administration of these cases. Nothing about the loan schedules provided to the Defendants affects the Defendants' willingness or ability to join that effort.

In any event, the Plan Administrator proposed a compromise in which Defendants' time to respond to the Motions would be extended from Monday, October 15, 2018 to Friday, October 19, 2018 at 5PM EST as long as the Plan Administrator could submit its reply by Friday, October 26, 2018 at 5PM EST and the hearing scheduled for October 29, 2018 remain in place. The Plan Administrator's compromise was reasonable because (i) the Defendants would have had 18 days to submit a response (or negotiate a resolution) since the Motions were filed and (ii) the October 29, 2018 hearing date would keep the cases moving forward expeditiously. Defendants rejected that reasonable offer, and instead wrote their Letter requesting a two week extension of their time to respond to the Motions.

The Plan Administrator respectfully requests that Your Honor deny Defendants' request for a two week extension. If the extension is granted, the Plan Administrator respectfully requests that the October 29, 2018 hearing go forward as to all other parties.

Respectfully submitted,

/s/ Adam M. Bialek

Adam M. Bialek

cc: All counsel of record (*via ECF*)